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Attorneys for Defendant
CHARLES W. McCALL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES W. McCALL, ET AL.

Defendants.

Case No.: CR-00-0505-WHA

**TWELFTH STIPULATION AND
[PROPOSED] ORDER RE RETURN
OF DEFENDANT CHARLES W.
McCALL'S PASSPORT**

The Honorable William H. Alsup
Date: None
Time: None
Courtroom 9, Nineteenth Floor
Trial Date: October 26, 2009

1 The United States and defendant Charles W. McCall, through their respective
2 counsel, stipulate and agree as follows:

3 **RECITALS**

4 1. On June 4, 2003, this Court unsealed a second superseding indictment
5 containing charges against Mr. McCall. Trial in this matter began on September 11, 2006.
6 On November 3, 2006, the jury returned a verdict of not guilty as to Mr. McCall on Count 1
7 of the Indictment. The jury was unable to reach a verdict as to Mr. McCall on any of the
8 remaining six counts, and the Court declared a mistrial as to Counts 2, 4, 5, 6, 7 and 8 of the
9 Indictment and discharged the jury. The United States intends to re-try Mr. McCall on
10 those Counts, and re-trial is scheduled to begin October 26, 2009.

11 2. During Mr. McCall's arraignment on June 5, 2003, he surrendered his United
12 States Passport to the Court as part of his conditions of pre-trial release.

13 3. Between June 2003 and the present, this Court has entered eleven stipulations
14 and orders regarding the return of Mr. McCall's passport. The orders were filed on
15 September 3, 2003; January 5, 2004; August 12, 2004; November 22, 2004; May 13, 2005;
16 September 6, 2005; April 11, 2006; June 4, 2007; November 8, 2007; May 13, 2008; and
17 September 26, 2008 (collectively the "Passport Orders"). These orders granted Mr. McCall
18 permission to obtain and/or retain his passport for personal travel abroad.

19 4. Upon obtaining, retaining, and/or returning his passport to the Court pursuant
20 to the Passport Orders, Mr. McCall, through his counsel, has notified the United States
21 Pretrial Services Agency by telephone and/or letter of the status of Mr. McCall's passport
22 and Mr. McCall's personal travel plans outside the United States.

23 5. Most recently, Mr. McCall, through his counsel, returned his passport to the
24 Court on April 2, 2009, in accordance with the Eleventh Stipulation and Order re Return of
25 Defendant Charles W. McCall's Passport ("Eleventh Passport Order"), entered September
26 26, 2008.

27 6. Mr. McCall respectfully requests, and the United States does not object, that
28 the Court again allow Mr. McCall to obtain his passport from the Court for two additional

1 trips abroad — from June 5 to June 19, 2009, and from July 27 to August 12, 2009 — and
2 for such other trips (before August 24, 2009) that are approved in writing at least three (3)
3 business days in advance by the United States Pretrial Services Agency. Mr. McCall will
4 provide the Office of the United States Attorney with prompt written notice of any request
5 for, and approval by the United States Pretrial Services Agency of, additional travel not
6 otherwise specified in this Stipulation and Order.

7 7. Upon completion of his travels, Mr. McCall shall surrender his passport to
8 this Court on or before August 24, 2009.

9 8. Mr. McCall further respectfully requests, and the United States does not
10 object, that this Stipulation and Order supersede the Eleventh Passport Order.

11 9. On April 28, 2009, Pretrial Services Officer Ken Goldberg (Southern District
12 of Florida, West Palm Beach Division) informed counsel for Mr. McCall that he has no
13 objection to Mr. McCall's plans to retrieve his passport and travel abroad.

14 10. On May 4, 2009, Pretrial Services Officer Alan Lew (Northern District of
15 California) informed counsel for Mr. McCall that he would defer to Mr. Goldberg's
16 determinations regarding Mr. McCall's travel plans.

17 **STIPULATION**

18 Based on the foregoing, IT IS HEREBY STIPULATED AND AGREED that Mr.
19 McCall's United States Passport shall, with this Court's permission, be returned to him so
20 that he may travel abroad — from June 5 to June 19, 2009, and from July 27 to August 12,
21 2009 — and for such other trips (before August 24, 2009) that are approved in writing at
22 least three (3) business days in advance by the United States Pretrial Services Agency. Mr.
23 McCall shall provide the Office of the United States Attorney with prompt written notice of
24 any request for, and approval by the United States Pretrial Services Agency of, additional
25 travel not otherwise specified in this Stipulation and Order. Mr. McCall shall surrender his

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1 passport to this Court on or before August 24, 2009. This Order supersedes the Eleventh
2 Passport Order.

3 IT IS SO STIPULATED AND AGREED.

4 DATED: May 8, 2009

HOGAN & HARTSON LLP

5 PAUL, WEISS, RIFKIND, WHARTON, &
6 GARRISON LLP

7 By /s/ Michael J. Shepard

8 Michael J. Shepard

9 Attorneys for Defendant
CHARLES W. McCALL

10 DATED: May 8, 2009

UNITED STATES OF AMERICA

11
12 By David L. Anderson

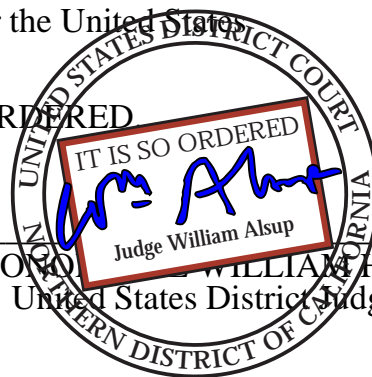
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20 Attorneys for the United States

21 Pursuant to the foregoing stipulation, IT IS SO ORDERED

22 DATED: May 14, 2009

23
24 THE HONORABLE WILLIAM H. ALSUP
25 United States District Judge



26 I, Michael J. Shepard, attest that David L. Anderson has read and approved the
27 TWELFTH STIPULATION AND [PROPOSED] ORDER RE RETURN OF
28 DEFENDANT CHARLES W. McCALL'S PASSPORT and consents to its filing in this
action.